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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,684	12/13/2000	Yuuji Nakahara	Q61854	6519

7590

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EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/734,684

Applicant(s)

NAKAHARA ET AL.

Examiner

Tran N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 24 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2-6 and 9-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Restriction/Election***

**In March 1<sup>st</sup> '02, the applicant filed an election, for the species restriction, filed on 2/5/02, to elect species 1, figures 1-4, on which claims 1 and 7, (also claim 8 according to the Examiner) are readable.**

The applicant's election provides no traverse reasoning. Therefore, the election is considered as an election without traverse. **Therefore the restriction is proper and made FINAL when the elected claims 1 and 7-8 were prosecuted on the merit in the First Office Action, filed on 4/24/02.**

The newly amended claims 2-6 and 9-19 directed to an invention that is independent or distinct from the invention originally claimed because they are drawn to other species of different embodiments, and these claims were not originally elected in the election requirement response filed on 3/1/02.

*Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2-6 and 9-19 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.*

***Claim Rejections - 35 USC § 103***

**The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (US6,211,587) in view of Johnson (US 3774062)

Enomoto discloses a stator (1a) (figs. 3a-b) comprising: an inner-ring core (2a) formed of a lamination of magnetic plate members (2a), and having a plurality of teeth (20) integrally provided on an inner side thereof, coils (10a) disposed in slots (11), and an outer-ring core (4) made from the metal such as iron, which is a magnetic material, wherein the outer-ring core is formed of at least one magnetic members (4a, 4b, 4c, 4d), fitted on an outer circumferential surface of the inner-ring core and holding the inner-ring core.

***Regarding the limitations of the teeth are integrally provided on an inner side of the inner ring core***, applicant is advised of the following court decisions regarding the claim language "integral":

That the expression "integral" in the present context has a somewhat broader connotation than appellant argues and *is not necessarily restricted to a one-piece article* is clear from the definition of that term as discussed in *Henderson v. Grable*, 52 CCPA 920, 339 F.2d 465, 144 USPQ 91, and *In re Larson*, 52 CCPA 930, 340 F.2d 965, 144 USPQ 347. *In re Kohno*, 157 USPQ 275, 277 n4. (CCPA 1968) (emphasis added).

Rather it is our opinion that the circumstances here require that the *unambiguous term "integral" be given the broadest construction the language will reasonably bear without resort to the specification from which it originated*, 6 *In re Kelley*, 49 CCPA 1359, 1363, 305 F.2d 909, 913, 134 USPQ 397, 397; *Cusano v. Decepoli*, 41 CCPA 968, 970, 214 F.2d 134, 135, 102 USPQ 251, 251; *Wirkler v. Perkb'ns et al.*, 44 CCPA 1005, 245 F.2d 502, 114 USPQ 284, and cases cited therein, and we think such construction includes the Henderson parent application disclosure of a collar tightly screwed onto the outer pipe. *Henderson v. Grable*, 144 USPQ 91, 96 (CCPA 1964).

While the brake disc and clamp of Tuttle et al. comprise several parts, they are rigidly secured together as a single unit. *The constituent parts are so combined as to constitute a unitary whole. Webster's New International Dictionary (Second Edition) defines "integral" as "(2) Composed of constituent parts making a whole; composite; integrated."*

We are inclined to agree with the board's construction of the term "integral" as used in claim 12. Then, too, we are inclined to agree with the position of the solicitor that the use of a one piece construction instead of the structure disclosed in Tuttle et al. would be merely a matter of obvious engineering choice. In *re Fridolph*, 50 CCPA 745, 309 F.2d 509, 135 USPQ 319. In *re Larson*, 144 USPQ 347, 349 (CCPA 1965) (emphasis added).

Under these interpretations of "integral," Enomoto does disclose, as shown in figs 3(a), the stator core teeth (20) are integrally attached to the recesses (15) of the inner core. ***This is broadly read as stator core teeth are integrally provided to the inner core.***

However, for argumentative point of view, one may point out that the teeth and the core are not materially integrally formed.

Johnson, however, teaches a stator having the core and the teeth being materially integrally formed. The Examiner takes Official Notice that stator cores having laminated plates, wherein the core is provided with integrally materially formed teeth, are so well-known in the art (see cited ref for supporting evidence of this statement).

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the Enomoto's stator by configuring the stator core having the core and the teeth being materially integrally formed, as taught by Johnson, because this configuration reducing manufacturing steps for fabricating the stator core and this type of stator cores is well known in the art.

2. **Claims 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto and Johnson, as applied in the rejection against the base claim, and further in view of level of ordinary skills of a worker in the art.

The combination of Enomoto and Johnson refs discloses the claimed invention except for the following added limitations: 9a) thickness of the outer-ring core in radial direction is larger than that of a yoke portion in the inner-ring core, as recited in claim 7; (b) thickness of yoke portion in the inner-ring core in radial direction is larger than that of outer-ring core, as recited in claim 8.

Those skilled in the art would understand that the significant disclosure in the Enomoto ref is to provide an outer-ring core to mechanically supporting the inner-ring core and to

efficiently transmitting magnetic flux, as the iron outer-ring core being part of the magnetic circuit therein.

Thus it would have been obvious to an artisan to apply this important teaching, along with obvious engineering design choices or required parameters, to configure the radial thickness of the outer-ring core to be larger than that of the inner-ring core's yoke portion in order to ensure structural integrity of the stator by enhancing the mechanical strength of the outer-ring core's support.

On the other hand, to configure the radial thickness of the inner-ring core's yoke portion to be larger than that of the outer-ring core would enhance the efficiently magnetic interacting between the inner-ring cores with coils therein and the motor's rotor. Either way is a matter of obvious engineering design of changing thickness size.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the Enomoto's stator by configuring the thickness of the outer-ring core to be larger than that of the inner-ring core's yoke portion or by configuring the thickness of the inner-ring core's yoke portion to be larger than that of the outer-ring core, as in the claims. Doing so would enable sufficient strength of either mechanical structure of the stator's outer-ring core or magnetic circuit of the stator's inner-ring core. This changing size of the Enomoto's disclosed stator components. It has been held that changing size and/or shape of the disclosed component requires only routine skills in the art.

### ***Response to Arguments***

Applicant's arguments filed 7/24/02 have been fully considered but they are not persuasive.

Regarding the argument that the Enomoto does not teach or suggest the outer frame is formed of magnetic member, the applicant's attention is drawn to the ref's col 10, lines 13-15, where Enomoto does teach/suggest the outer frame is formed of iron. Thus, subject matter (4) is a magnetic member formed of iron, as discloses by Enomoto.

The applicant also argues that the Enomoto's subject matter (4) is a frame not a outer ring core as in the claimed invention.

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Enomoto disclose that the subject matter (4), refereed as frame (4), can be made of iron, which is a magnetic conductive material, and formed in a cylindrical in shape. Thus, this structure is a magnetic outer ring with respect to the inner ring (2a), to mechanically supporting the inner-ring core (2a) and to efficiently transmitting magnetic flux as a magnetic-flux-return means of the magnetic circuit of the whole stator core assembly. Thus, while Enomoto calls the subject matter (4) as a frame, because, in addition to the functions of mechanically and magnetically supporting the inner core (2a), it also embodied as a middle section of frame assembly having two end brackets (6a, 6b) holding respective bearings therein.

Nevertheless, even though the referring terminologies are different, Enomoto disclose a subject matter that has **same structure, i.e., a magnetic ring being disposed outside the inner magnetic core, for performing the same functions, i.e., to provide mechanical support and to be a magnetic-flux-return part of the stator core's magnetic circuit.**

Therefore, the Enomoto's frame (4) is read as the outer ring core of in the claimed invention's stator core assembly, as a whole.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

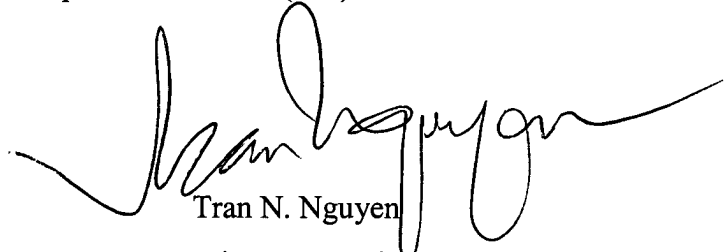
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 7:00AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.

A handwritten signature in black ink, appearing to read 'Tran N. Nguyen', is written over the printed name and title.

Tran N. Nguyen  
Primary Examiner  
Art Unit 2834

September 2, 2002